

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LIBERTY INSURANCE CORP., et al.,

Plaintiffs,

v.

Civil Case No. 24-10831
Honorable Linda V. Parker

DIAGNOSTIC CHIROPRACTIC
MI, PC, et al.,

Defendants.

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**OPINION AND ORDER GRANTING MOTION TO WITHDRAW AND
NOTICE TO APPEAR FOR STATUS CONFERENCE**

Pending before the Court is a motion to withdraw filed by David H. Fink and Nathan J. Fink, counsel in this matter for Defendants Diagnostic Chiropractic MI, PC, Diagnostic Chiropractic MI II, PC, Lint Chiropractic PC, Lint Chiropractic II, PC, MI Medical Management, LLC, Supplies Plus MI, LLC, Supplies Plus MI II, LLC, and Robert Super, DC (collectively the “Lint Defendants”). (ECF No. 33.) The stated basis for the motion is a deterioration of the attorney-client relationship and financial burden to the attorney. Defense counsel represents that the Lint Defendants have received a copy of the motion. The Court held a case management status and scheduling conference on December 12, 2024. Counsel for both parties were present at the conference.

The Court finds good cause for defense counsel to withdraw and that such withdrawal can be accomplished without material adverse effect on the Lint Defendants' interests. *See* Mich. R. Prof'l Conduct 1.16. The Court is staying the proceedings for 30 days to allow the Lint Defendants to retain new counsel. As corporate entities, the Lint Defendants cannot proceed in this matter without an attorney. *See, e.g., Rowland v. California Men's Colony*, 506 U.S. 194, 201-202 (1993) (citing cases); *Doherty v. American Motors Corp.*, 728 F.2d 334, 340 (6th Cir.1984) (citations omitted). When a corporation declines to hire counsel to represent it, the court may properly dismiss its claims, if it is a plaintiff, **or strike its defenses**, if it is a defendant. *Greater Southeast Cmty. Hosp. Found., Inc. v. Potter*, 586 F.3d 1, 5 (D.C. Cir. 2009) (citing *Donovan v. Road Rangers Country Junction, Inc.*, 736 F.2d 1004, 1005 (5th Cir. 1984) and *Strong Delivery Ministry Ass'n v. Bd. of Appeals of Cook Cnty.*, 543 F.2d 32, 33 (7th Cir. 1976)).

Accordingly,

IT IS ORDERED that the motion to withdraw (ECF No. 33) is **GRANTED** and David H. Fink and Nathan J. Fink shall be terminated as counsel. Lint Defendants' counsel shall serve a copy of this Opinion and Order on the Lint Defendants and must file a proof of service with the Court.

IT IS FURTHER ORDERED that this matter is **STAYED** for 30 days to allow the Lint Defendants to retain new counsel, who shall file a written

appearance on the docket before the 30 days expires. If the Lint Defendants require additional time to retain new counsel, they **must file** a request for an extension with the Court **before the stay expires**.

IT IS FURTHER ORDERED that the Lint Defendants' failure to retain counsel and for counsel to fail to enter a written appearance within 30 days of this Opinion and Order will result in the Lint Defendants' defenses being stricken without further notice of the Court, and the Court will conduct further proceedings in their absence in accordance with the law.

In addition, **YOU ARE NOTIFIED TO APPEAR BY TELEPHONE ON January 16, 2025, at 10:30 a.m.** for a Case Management Status Conference. **Counsel shall call the Court's conference line at 1-810-674-0063 and use Access Code 237038807#.**

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: December 17, 2024